

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**L.C. CLEMONS
ADC # 93134**

PLAINTIFF

v.

No. 5:14-cv-171-DPM-JTK

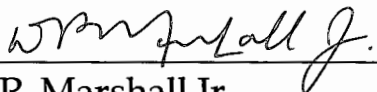
**SUMMERS, Correctional Officer II, ADC,
Pine Bluff Work Complex; HAYWOOD,
Correctional Officer II, ADC, Pine Bluff
Work Complex; EARL, COII, ADC, Pine
Bluff Work Complex; METCALF, Captain,
ADC, Pine Bluff Work Complex; COBBS,
Major, ADC, Pine Bluff Work Complex**

DEFENDANTS

ORDER

Opposed recommendation, *No. 4*, adopted with a note on Clemons's objections. FED. R. CIV. P. 72(b)(3). The situation was regrettable and, as Director Kelley recognized, preventable. *No. 6 at 4*. But whether the guards delayed Clemons intentionally or by accident, any Eighth Amendment claim still fails as a matter of law. Because Clemons hasn't alleged that he was physically injured, he can't recover in federal court. 42 U.S.C. § 1997e(e).

So Ordered.


D.P. Marshall Jr.
United States District Judge

22 May 2014